

4-11-05

2652

Docket No.: 55675-RCE (70551)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: J. Nakajima, et al.

Application No.: 09/800,082

Confirmation No.: 3271

Filed: March 5, 2001

Art Unit: 2652

For: OPTICAL DISK HAVING PITS OF
DIFFERENT DEPTHS FORMED
THEREIN, OPTICAL DISK
REPRODUCING APPARATUS FOR
REPRODUCING THE OPTICAL DISK,
AND METHOD OF TRACKING THE
OPTICAL DISK

Examiner: Tran, Thang. V.

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No: EV 492341622 US), and is addressed to Mail Stop: AMENDMENT, Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on April 8, 2005.

By Kathryn A. Grindrod
Kathryn A. Grindrod

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references/documents listed on the attached PTO/SB/08a/b. It is respectfully requested that these references/documents be expressly considered during the prosecution of this application, and that these references/documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

I. COPIES

a. X Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

b. _____ This application relies under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. _____, filed on _____. The references listed on the attached Form PTO/SB08a/b were submitted to, and/or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application.

II. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

a. X Except as may be indicated below in (b), all of the patents, publications or other information submitted herewith are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).

b. _____ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

c. X The following additional information is provided for the Examiner's consideration:

The documents cited and provided herewith were cited in a European Search Report on 23 March 2005 in an application corresponding to this application (a copy of the European Search Report, dated 23 March 2005 is attached hereto).

US Patent Nos. 5,508,995; 5,854,779; and 5,926,446; and European Application Nos. 0813193; 1067523; 1111599 cited in the attached European Office Communication were previously cited by Applicant in an Information Disclosure Statement dated 6 February 2004 in this application. Accordingly, the US Patents and the European documents previously cited are neither listed on the attached FORM PTO/SB/08a/b nor provided herewith.

FEES

III. **THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)**
(check one box)

a. within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1). No fee or certification is required.

b. within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.

c. before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

IV. **THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):**
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

a. No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

OR

b. See the certification below. No fee is required.

V. **STATEMENT UNDER 37 C.F.R. § 1.97(e)**
(check only one box)

The undersigned hereby states that

a. each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

b. _____ no item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

c. _____ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

_____ Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

X No fee is required.

X Applicant believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this submission. However, if for any reason a further fee is required, a fee paid is inadequate or a credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

If the Examiner has any questions concerning this Information Disclosure Statement, he/she is requested to contact the undersigned. Further, if it is determined that this Information Disclosure Statement has been filed under the wrong rule, the United States Patent and Trademark Office is requested to consider this Information Disclosure Statement under the proper rule, with a petition if necessary, and to charge the appropriate fee to Deposit Account No. **04-1105**.

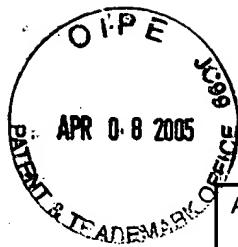
The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 55675-RCE (70551). A duplicate copy of this paper is enclosed.

Dated: April 8, 2005

Respectfully submitted,

By David A. Tucker
David A. Tucker
Registration No.: 27,840
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486052



Application No. (if known): 09/800,082

Attorney Docket No.: 55675-RCE (70551)

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. **EV 492341622 US** in an envelope addressed to:

MS Amendment
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on April 8, 2005
Date

Kathryn A. Grindrod
Signature

Kathryn A. Grindrod

Typed or printed name of person signing Certificate

Registration Number, if applicable

(617) 517-5534
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Information Disclosure Statement (6 pages)
Form PTO/SB/08a/b (w/1 Reference) (1 page)
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Substitute for form 1449A/B/PTO				Complete if Known	
				Application Number	09/800,082-Conf. #3271
				Filing Date	March 5, 2001
				First Named Inventor	Junsaku Nakajima, et al.
				Art Unit	2653
				Examiner Name	T. V. Tran
Sheet	1	of	1	Attorney Docket Number	55675(70551)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	CA	G. Bouwhuis, et al.; <i>Principles of Optical Disc Systems</i> ; GB, Bristol, Adam Hilger Ltd., 1986; pp. 172-173.			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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